

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

WILLIAM R. TANTUM,

Plaintiff,

vs.

BEN M. MOEZL, E & J EXPRESS
CORP., AND FEDEX GROUND
PACKAGE SYSTEM, INC.,

Defendants.

Civil Action No. 2:21-cv-3811-RMG

**NOTICE OF REMOVAL BY FEDEX
GROUND PACKAGE SYSTEM, INC.
AND E & J EXPRESS**

Defendants FedEx Ground Package System, Inc. (“FedEx Ground”) and E & J Express Corp. (“E & J”) (collectively “Defendants”) in the above-styled action, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby jointly submit this Notice of Removal, requesting removal of the action currently pending in South Carolina Circuit Court in the Colleton County Court of Common Pleas, to the United States District Court for the District of South Carolina, Charleston Division. Defendants would respectfully show unto this honorable Court that removal is proper on the following grounds:

1. This civil action was originally filed October 15, 2021, in the Colleton County Court of Common Pleas in South Carolina Circuit Court, and pursuant to a Second Amended Summons and Complaint filed November 16, 2021, is now styled *William R. Tantum v. Ben M. Moezl, E & J Express Corp., and FedEx Ground Package System, Inc.*, Civil Action Number 2021-CP-15-00613.

2. Plaintiff filed an Amended Summons and Complaint, on October 18, 2021, and a Second Amended Summons and Complaint on November 15, 2021. This action is one in which the United State District Courts have original jurisdiction, because the action involves a controversy which is wholly between citizens of different states.

3. E & J was initially served with Plaintiff's Amended Summons and Complaint on October 22, 2022. FedEx Ground was initially served with Plaintiff's Second Amended Summons and Complaint, via Stipulation by defense counsel, on November 16, 2021. A true and correct copy of papers served along with proof of service are attached hereto as Exhibit "A."

3. Plaintiff's Second Summons and Complaint, as plead, supports diversity jurisdiction, Plaintiff is allegedly a resident of Beaufort County, South Carolina. *See* Exhibit "A", ¶ 1. Meanwhile, all named Defendants are all alleged by Plaintiff to be residents and citizens of different states. Specifically, Plaintiff alleges Defendant Moezl to be a resident and citizen of Pennsylvania, Defendant E & J to be a corporation organized under the laws of New Jersey, and Defendant FedEx Ground to be a corporation organized under the laws of Delaware. *See* Exhibit "A", ¶¶ 2-4.

4. Defendants are entitled to removal of the aforesaid action to this Court because complete diversity of citizenship exists between the Plaintiff and the Defendants, and the amount in controversy exceeds the jurisdictional amount required by 28 U.S.C. § 1332.

5. Pursuant to 28 U.S.C. § 1446, this Notice of Removal is filed within thirty (30) days of service upon the Defendants of the initial pleadings setting forth the claim upon which relief is requested. These Defendants will serve Answers or responsive pleadings as provided by law.

6. To the best of Defendants' knowledge and belief, Defendant Moezl has not been served as of the date of this filing.

7. Defendants will promptly file a copy of this Notice of Removal with the Honorable Patricia C. Grant, Clerk of Court of Colleton County.

WHEREFORE, Defendant E & J and Defendant FedEx Ground give notice that the aforesaid action is removed from the Circuit Court of Colleton County, State of South Carolina, and to this Court for trial and determination.

MCANGUS GOUDELOCK & COURIE, L.L.C.

s/ Benjamin B. Davis

BENJAMIN B. DAVIS, Federal ID No. 10454

bdavis@mgclaw.com

SHAWN M. BEVANS, Federal ID No. 12362

Shawn.bevans@mgclaw.com

Post Office Box 650007

735 Johnnie Dodds Blvd., Suite 200 (29464)

Mt. Pleasant, South Carolina 29465

Telephone: (843) 576-2900

Facsimile: (843) 534-0605

ATTORNEYS FOR DEFENDANTS E & J
EXPRESS CORP. AND FEDEX GROUND
PACKAGE SYSTEM. INC.

Charleston, South Carolina
November 19, 2021